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VIA ECF

Hon. Debra Freeman
United States District Court
Southern District of New York
500 Pearl St., Courtroom 17A
New York, New York 10007

**Re: *Eastern Profit Corp. v. Strategic Vision US LLC,*
1:18-cv-2185-JGK (“Action”)**

Dear Judge Freeman:

On behalf of non-party Guo Wengui (“Guo”), I write in response to a letter dated September 20, 2019 (“Letter”), submitted on behalf of defendant Strategic Vision US, LLC (“Strategic”) concerning Strategic’s request for a continued deposition of Guo. It was our understanding that, at the conclusion of the conference call (“Conference Call”) on Wednesday, September 18, 2019, the outstanding discovery issues pertaining to Guo would be determined based upon the written submissions already presented by the parties. The Letter is simply a rehash of the arguments Strategic has already made.

Remarkably, what the Letter does not do is address what Strategic claims is the foundation for its counterclaim against Eastern and the justification for the further intrusive discovery from Guo it seeks: evidence that Guo is not truly a dissident. During the Conference Call, Strategic referred generally to transcripts of conversations Guo had with a representative of the Chinese Communist Party (“CCP”) in May 2017, as it has done repeatedly, as evidence that supports its claim that Guo is not a dissident of the CCP. And yet, not one word of the Letter addresses those transcripts, perhaps because those transcripts confirm that Guo is adamantly opposed to corruption within the CCP and is unapologetic in airing publicly his sentiments regarding that corruption and the high-ranking CCP officials he believes are responsible for permitting such corruption to continue.

As a preliminary matter, Guo has been the subject of a massive disinformation campaign by the CCP in an effort to smear his reputation.¹ This campaign has included creating

¹ See e.g., Catherine Porter, “A Chinese Activist and the Smear Campaign That Followed Her to Canada,” NY TIMES, April 5, 2019, <https://www.nytimes.com/2019/04/05/world/canada/sheng-xue-chinese-activist-smear-campaign.html>; Yaqiu Wang, “China's overseas critics under pressure from smear campaigns, cyber attacks,” COMMITTEE TO PROTECT JOURNALISTS, March 11, 2016, <https://cpj.org/blog/2016/03/chinas->

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false recordings and news stories and the commencement of a plethora of actions against Guo in the United States — actions which are withdrawn when Guo pushes back and requests discovery of evidence to support the claims. For this reason, it is not possible or appropriate to accept as authentic and legitimate the many recordings which appear on the internet which are said to be recordings made by or of Guo.

Of the recordings and videos that Strategic has posited are recordings of Guo, only two can be authenticated. Those two are recordings² Guo made of efforts by the CCP to entice Guo to give up his status as a dissident and return to China.³ The transcripts of those conversations provide overwhelming evidence and support, that to a representative of the CCP, Guo: (1) repeatedly criticized the corruption of high-ranking CCP officials;⁴ (2) was forthright and unapologetic about his public denouncements of high-ranking CCP officials; (3) vehemently denied that he committed the crimes he is accused of committing by the CCP and accused the CCP of fabricating the evidence against him; and (4) unwaveringly demanded that the rule of law be abided in China.

The transcripts of those two recordings, when read as whole, amply demonstrate that an emissary of the CCP was sent to try to convince Guo to desist from speaking out against the corruption within the CCP and certain CCP officials, plead guilty to criminal charges of bribery and other crimes, and return to China. Guo vociferously denied that the bribery charges were accurate or that he would ever plead guilty to crimes which he had not committed and he continued to denounce CCP officials including Wang Qishan, who is the second-in-command behind Xi Jinping and the most feared official in the CCP.⁵ He served as the head of the CCP's anti-corruption body, once believed to be an enforcer of anti-corruption, he has more recently been associated with engaging in a scorched-earth policy to destroy opposition to Xi Jinping. Guo's calls to oust Wang Qishan were, in themselves, significant acts of dissidence that place Guo and his family in grave danger.

[overseas-critics-under-pressure-from-smear.php](#); Emily Feng, "How China Uses Twitter And Facebook To Share Disinformation About Hong Kong," NATIONAL PUBLIC RADIO, August 20, 2019, <https://www.npr.org/2019/08/20/752668835/how-china-uses-twitter-and-facebook-to-share-disinformation-about-hong-kong>

² The transcripts of the two recordings that Guo is able to authenticate appear at pages Bates stamped SVUS001362-76 and SVUS001377-1427.

³ The two videos Guo is able to authenticate are identified as numbers eight and nine on SVUS001296.

⁴ Among others, Guo denounces as corrupt Wang Qishan, the Vice President of the People's Republic of China ("PRC") and, in 2017, leader of the CCP's anti-corruption body, Meng Jianzhu, Secretary of the Central Political and Legal Affairs Commission in 2017, and Fu Zhenghua, Minister of Justice and, in 2017, Executive Deputy Minister of Public Security.

⁵ See, e.g., Chris Buckley, "Powerful Ally of Xi Jinping Makes Political Comeback in China," N.Y. TIMES, January 29, 2018. <https://www.nytimes.com/2018/01/29/world/asia/china-wang-qishan-xi-jinping.html>

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It is also clear that, as someone who had spent his life in China, he was hopeful in May 2017 that the CCP would be committed to uncovering and combatting corruption within its ranks and implementing rule of law throughout China. Indeed, as of May 2017, it appears Guo had not spoken out against Xi Jinping, specifically, whom Guo believes to “advocate[] governing [China] according to the rule of law.”⁶ See SVUS001412. To that end, Guo “just want[s] to expose that Mr. Xi has not done enough, including Fu Zhenghua, including the political and legal circles, the law sectors and Central Disciplinary Committee of these corrupt officials.” See SVUS001413. He says “I am following the direction of the anti-corruption campaign led by President Xi. We have the same goals.” See SVUS001413. Guo says, “I repeat, Wang Qishan, Meng Jianzhu, Fu Zhenghua, cannot represent the People’s Republic of China, cannot represent the Chinese Communist Party, I need to protect our national dignity, I want to [sic] the country to have rule of law.” See SVUS001403. This is not the sentiment of a double-agent. This is the sentiment of a person outspoken against the corruption and arbitrary and capricious exercise of power of the CCP, who wants to believe that the CCP can be and do better.

That Guo was willing to say that President Xi was not doing enough in his efforts to combat corruption in the CCP, that CCP officers are corrupt including the second-in-command, that he wants to bring rule of law to China, and that he’s willing to say all of this to a CCP representative can hardly be seen as the actions of someone who is acting in a counter-dissident fashion. That Guo is willing to return to China, to be held accountable for whatever wrongdoings can be proven by law, if and only if the CCP removes from power corrupt officials and implements rule of law in China, including by ceasing its severe punishments against Guo’s family on the basis of Guo’s actions, through no fault of their own, does not undermine Guo’s criticisms of the CCP – it underscores them.

These were Guo’s sentiments in May 2017. Nothing about these May 2017 conversations shows that Guo was working for the CCP. Nothing about these May 2017 conversations shows that Guo expressed to the CCP anything other than the criticisms of the CCP that Guo shared publicly. Nothing about these May 2017 conversations is contrary to Guo’s public statements at that time. Indeed, Guo, himself released these audio recordings to the world as part of his dissident campaign to expose the CCP’s tactics in attempting to silence him.⁷

⁶ These conversations took place eight months before Eastern and Strategic entered into an agreement and are insufficient to show whether Guo was equally disheartened and critical of Xi Jinping and the entire CCP eight months later. What is certain is that, as of May 2017, Guo was publicly and vehemently outspoken against several CCP officials, including the second-in-command and the most feared.

⁷ Moreover, Guo had told the FBI that the CCP representatives would be visiting Guo’s apartment, in contravention of the FBI’s prior directives to the CCP representatives to leave the country, so that the FBI could arrest the CCP representatives. See Kate O’Keeffe, Aruna Viswanatha and Cezary Podkul, “China’s Pursuit of Fugitive Businessman Guo Wengui Kicks Off Manhattan Capers Worthy of Spy Thriller,” N.Y. TIMES, October 22, 2017, <https://www.wsj.com/articles/chinas-hunt-for-guo-wengui-a-fugitive-businessman-kicks-off-manchattan-caper-worthy-of-spy-thriller-1508717977>. Cooperating with the FBI to arrest these CCP representatives hardly suggests that Guo was working with them.

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Strategic is well aware that Guo is in the midst of seeking asylum in this country and that it may be able to do great harm to his application by spreading its own form of disinformation in the press and elsewhere. The examination that should be allowed is not of Guo, but of Strategic and its willingness to press positions that have no good faith foundation in an effort to abuse the judicial process in order to coerce a litigation result.

Under the circumstances and for all of the reasons we have previously presented to the Court, we respectfully request that Strategic's attempts to harass Guo come to an end.

Respectfully submitted,

/s/ Erin Teske

Erin N. Teske